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Attorneys for Plaintiff
WEBCOR CONSTRUCTION, INC. dba
WEBCOR BUILDERS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA for the use and
benefit of WEBCOR CONSTRUCTION, INC. dba
WEBCOR BUILDERS, and WEBCOR
CONSTRUCTION, INC. dba WEBCOR
BUILDERS,

Plaintiffs,

vs.

DICK/MORGANTI, a joint venture; DICK
CORPORATION; THE MORGANTI GROUP;
AMERICAN CASUALTY COMPANY OF
READING, PENNSYLVANIA; NATIONAL
UNION FIRE INSURANCE COMPANY OF
PITTSBURGH, PA; and DOES 1-10, inclusive,

Defendants.

AND RELATED THIRD-PARTY ACTIONS AND
CROSS-ACTIONS

CASE NO.: 3:07-CV-02564-CRB

**DECLARATION OF MICHAEL P.
CONNOLLY IN SUPPORT OF WEBCOR'S
OPPOSITION TO MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM
[F.R.C.P. 12(b)(6)]; AND MOTION FOR
MORE DEFINITE STATEMENT [F.R.C.P.
12(e)]**

Date: August 29, 2008
Time: 10:00 a.m.
Dept.: Courtroom 8
Judge: Hon. Charles R. Breyer

I, MICHAEL P. CONNOLLY, DECLARE:

1. I am an attorney at law duly licensed to practice before all Courts of the State of
California and am an associate at Bowles & Verna LLP, attorneys for plaintiff Webcor Construction

{00154637.DOC; 1}

1 Inc, dba Webcor Builders ("Webcor"), in the above action. As such, I have personal knowledge of the
2 facts set forth herein and if called as a witness, could and would competently testify thereto.

3 2. On July 1, 2008, I had a telephone conversation with Rick W. Grady, counsel for
4 Dick/Morganti ("DM"), regarding the status of the pending motion to dismiss and for more definite
5 statement. I indicated that Webcor preferred to address the defendants' concerns by amending its
6 Complaint via stipulation with defendants rather than by proceeding with the motion. I sent via e-mail,
7 that same day, a proposed form of amended complaint to Mr. Grady for his review and comment. I
8 have received no further comment from Mr. Grady or other counsel regarding the proposed amendment.

9 3. Attached hereto as Exhibit "A" is a true and correct copy of Webcor's Complaint in this
10 Action, originally filed on May 15, 2007.

11 I declare under penalty of perjury under the laws of the State of California that the foregoing is
12 true and correct. Executed this 24th day of July, 2008, at Walnut Creek, California.

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14 By: 

15 MICHAEL P. CONNOLLY
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